

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6080

AN ORDINANCE determining the public advantage of vacating portions of NE 28th Street between 116th Avenue NE and 120th Avenue NE, within the City of Bellevue and vacating the same, subject to certain conditions.

WHEREAS, on May 1, 2012 the City received a street vacation petition signed by property owners of two-thirds of the land abutting a portion of NE 28th Street between 116th Avenue NE and 120th Avenue NE within the City of Bellevue; and,

WHEREAS, on September 17, 2012, the City Council passed Resolution No. 8445 fixing the time and place for a hearing to consider the vacating the portion of NE 28th Street between 116th Avenue NE and 120th Avenue NE that was the subject of the petition and gave notice of said hearing by posting and mailing in the manner required by law; and

WHEREAS, investigation was made as to the use of said street and the public interests served or damaged by the change in such use by the vacation thereof; and

WHEREAS, a hearing was held upon said petition on October 15, 2012, at the time and place fixed in the resolution and notice; and

WHEREAS, only the petitioner's representative spoke at the hearing and following said hearing, the City Council by motion directed staff to proceed with preparing legislation to approve vacation of said portion of NE 28th Street between 116th Avenue NE and 120th Avenue NE; and

WHEREAS, said vacation would serve the public good; and

WHEREAS, said vacation will be subject to the reservation of necessary pedestrian and non-motorized easements, as well as, franchise and utility easements; and

WHEREAS, said vacation, as a Class I right of way, is subject to payment of compensation in accordance with Section 14.35; and

WHEREAS, as Class I right-of-way, per BCC 14.35.130, compensation shall be at 100% of its fair market value; and

WHEREAS, the final compensation amount shall be determined by an appraisal completed by an independent outside appraiser; and

WHEREAS upon approval of this ordinance, petitioner shall be required to pay \$1,100 for the post-hearing fee and a deposit of \$1,500 for the appraisal fee; and

WHEREAS, additional fees may apply if appraisal costs exceed the standard appraisal fee; and

WHEREAS, upon approval of this ordinance and finalization of the transaction, any revenue received as a result of this transaction will be receipted into the Land Purchase Revolving Fund; and,

WHEREAS, upon completion of the transaction the parties shall execute a Declaration of Vacation; and

WHEREAS, upon fulfillment of all other conditions established herein for such vacation, such street or portions thereof shall be vacated and the City Clerk is directed to have this ordinance and Declaration of Vacation recorded with the King County Office of Elections and Records and to take any other action necessary to vacate such streets or portions thereof; now, therefore,

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The portion of NE 28th Street between 116th Avenue NE and 120th Avenue NE, in the City of Bellevue as described in attached Exhibit A, is hereby vacated, subject to the fulfillment of all conditions set forth in Section 2 of this ordinance.

PROVIDED; however, that the City of Bellevue reserves the right to an easement over the vacated area for pedestrian and non-motorized purposes, as well as, for franchises and utilities purposes.

Section 2. This vacation shall become effective upon the following conditions:

- a) Petitioner shall pay compensation in the amount of 100% of fair market value for the right-of-way.
- b) The final compensation amount shall be determined by an appraisal completed by an independent outside appraiser.
- c) Petitioner shall be required to pay \$1,100 for the post-hearing fee and a deposit of \$1,500 for the appraisal fee, as well as, any additional fees which may apply if appraisal costs exceed the standard appraisal fee.
- d) Any revenue received as a result of this transaction will be receipted into the Land Purchase Revolving Fund.
- e) The parties shall execute and record a Declaration of Vacation.

Section 3. The City Clerk is directed to record a certified copy of this ordinance and the Declaration of Vacation with the King County Department of

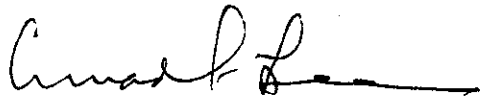
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Records and Elections and the City Manager or his designee is directed to take any other action necessary to vacate such street or portion thereof upon evidence of satisfactory completion of all conditions of such vacation including, but not limited to, reservation of franchise and utility easements and payment of costs of acquisition services needed to convey title.

Section 4. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

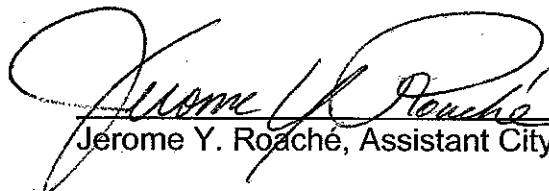
Passed by the City Council this 5th day of November, 2012
and signed in authentication of its passage this 5th day of November,
2012.

(SEAL)


Conrad Lee, Mayor

Approved as to form:

Lori M. Riordan, City Attorney


Jerome Y. Roache, Assistant City Attorney

Attest:


Myrna L. Basich, City Clerk

Published November 8, 2012